

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK (MANHATTAN)

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In re:

LUKE THOMPSON  
aka d/b/a B 1 Management,

Case No. 11-11498 (SCC)  
Chapter - 13

Debtor.  
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**ORDER CONFIRMING THAT AUTOMATIC STAY DOES  
NOT APPLY TO THIS CHAPTER 13 CASE**

Upon the motion (“the Motion”) dated April 1, 2011, of 1010 Sixth Associates LLC, the owner and landlord (“Landlord”) of real property known as and by 66 West 38<sup>th</sup> Street, New York, New York 10018, Apartment 44C (the “Apartment”), by its attorneys, Borah, Goldstein, Altschuler, Nahins, & Goidel, P.C., seeking an order pursuant to 11 U.S.C. § 362(c)(4)(A)(ii) and (j) confirming that the automatic stay under 11 U.S.C. § 362(a) is inapplicable in, and did not arise from the filing of, this chapter 13 case; and, after due service, the above-captioned debtor (the “Debtor”) having objected to the requested relief; and the Court having held a hearing on the Motion on April 7, 2011; and it appearing that two (2) prior cases under the Bankruptcy Code were filed by the above debtor and were pending within the year before the commencement of this case, it is

**ORDERED** that the Motion is granted. Pursuant to 11 U.S.C. § 362(c)(4)(A)(i) and (j), that the automatic stay under 11 U.S.C. § 362(a) did not take effect upon the filing of, and does not apply in, this chapter 13 case; and it is further

**ORDERED** that if debtor institutes, or involuntarily becomes, the debtor in any other or subsequent bankruptcy proceeding, filed within one hundred and eighty (180) days of the entry of this order, within any district of the United States or any of its territories, the automatic stay shall not take effect with respect to Landlord's efforts to recover possession of the Apartment

Dated: April 7, 2011  
New York, New York

/s/ Shelley C. Chapman  
Honorable Shelley C. Chapman  
United States Bankruptcy Judge